

## 10-13-92 Minutes

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:30 p.m., October 13, 1992.

Members present: Mayor G. Michael Shelton; Councilman Larry D. Brookshier; Councilman Payton M. Otey; Councilman Ronnie C. Rice; and Councilman W. D. Tharp.

Members absent: Councilwoman Joanne A. Grahame and Vice Mayor James A. Vest.

Staff present: City Manager Jack A. Gross; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher.

Mayor Shelton opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Shelton declared that the minutes of a regular Council meeting held on September 22, 1992, were approved as mailed.

City Manager Gross stated that Council had received copies of the final draft of the annexation settlement agreement which is being recommended by the City/County negotiating committee. Mr. Gross stated that Council also had copies of the proposed resolution which adopts the agreement. The City Manager indicated that the resolution is being presented to the Bedford County Board of Supervisors for their review. City Manager Gross stated that after the resolution is adopted by both bodies, the settlement agreement will need to be reviewed by the Commission on Local Government; and the recommendations from the Commission will then need to be approved by the three-judge court.

Councilman Rice moved that Council waive the reading of the proposed resolution. The motion was seconded by Councilman Tharp, voted upon and carried.

Councilman Rice moved that Council adopt the resolution. The motion was seconded by Councilman Tharp, and after a brief discussion, was voted upon and carried by the following roll call vote:

Councilman Brookshier	aye
Councilwoman Grahame	absent
Councilman Otey	aye
Councilman Rice	aye
Councilman Tharp	aye
Vice Mayor Vest	absent
Mayor Shelton	aye

The resolution follows as adopted:

## RESOLUTION

**WHEREAS**, the City of Bedford and the County of Bedford are parties to three legal proceedings pending in the Circuit Court for the County of Bedford, which generally involve requests for annexation of certain property to the City of Bedford and a request for the City to provide water and sewer services to certain parcels of property lying in the County adjacent to the present City boundaries; and

**WHEREAS**, the first suit, which is styled Carriage Hill of Virginia, Ltd. v. City of Bedford and County of Bedford, (Case No. CH92016289), involves a request by Carriage Hill of Virginia, Ltd. for the annexation by the City of Bedford of 22.759 acres of land on which a retirement center is currently operated; and

**WHEREAS**, the second suit, styled Otterburn Homes, Inc. v. City of Bedford and County of Bedford, (Case No. 19CH91016190), involves a request by Otterburn Homes, Inc. for the annexation to the City of Bedford of 3.998 acres of land, which property is the proposed site for certain apartments for low income elderly persons; and

**WHEREAS**, the third suit, which is styled County of Bedford and Board of Supervisors of Bedford County, Virginia vs. City of Bedford and Carriage Hill of Virginia, Ltd., (Case No. 15674), involves a request by the County for a judicial declaration that Carriage Hill of Virginia, Ltd. is barred from proceeding with its request for the annexation of its property and a request for a court determination that the City is required to provide water and sewer services to certain parcels of property lying within the County; and

**WHEREAS**, the City and the County recognize that the continued pursuit of these lawsuits will require significant expenditures of time and money by both localities, and they further recognize that they have a mutual interest in the economic growth and orderly development of areas within the County adjacent to the City of Bedford and in the orderly provision of utility services to such areas; and

**WHEREAS**, pursuant to the provisions of Chapter 26.1:1 of Title 15.1 of the Code of Virginia (1950), as amended, the City and the County have undertaken to negotiate a voluntary settlement to resolve these annexation and utility issues.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the City of Bedford hereby adopts the provisions contained in a certain agreement entitled "Voluntary Settlement of Annexation and Utility Issues Between the City of Bedford and the County of Bedford."

**BE IT FURTHER RESOLVED** that a copy of this resolution and the official minutes of this meeting be forwarded to all concerned parties.

**BE IT FURTHER RESOLVED** that (1) the City Council hereby requests that the Commission on Local Government review the agreement pursuant to Section 15.1-1167.1 of the Code of Virginia (1950), as amended;

(2) That the City Council hereby designates Carter Glass, IV, Mays & Valentine, NationsBank Center, 1111 East Main Street, P. O. Box 1122, Richmond, VA 23208-1122 as its contact person for communications with the Commission regarding the review of the agreement; and

(3) That it is the intention of the City Council, subsequent to the Commission's review, to readopt the agreement and thereafter to petition the Circuit Court of Bedford County to affirm and validate the agreement and to give it full force and effect.

Mayor Shelton asked that the Clerk of the Council deliver to the Board of Supervisors a notice that City Council has approved the document.

Ms. Linda Kochendarfer, former Executive Director of Bedford Main Street, Inc., thanked Council for its support during her service as executive director.

On motion by Councilman Brookshier, seconded by Councilman Otey, voted upon and carried, the following item was added to the agenda:

Resolution - Recognition of Linda Kochendarfer

The Clerk of Council read aloud the following proposed resolution:

## **RESOLUTION**

WHEREAS, in October 1989 **LINDA KOCHENDARFER** was chosen to become Executive Director of Bedford Main Street, Inc.; and

WHEREAS, she has fulfilled the many and varied duties of this position with energy, patience and enthusiasm and has displayed a special talent and a unique ability to work with people, making it possible for her to coordinate the efforts of the downtown merchants, local government, and a wide variety of citizens' groups and volunteers; and

WHEREAS, in order to master the many aspects of the position and the four Main Street components of organization, promotion, design, and economic restructuring, she has attended numerous seminars, workshops and presentations, many at her own expense and on her own time; and

WHEREAS, during her service as Executive Director the standards of the program have been raised to the point that the Bedford Main Street program has gained recognition as a model for the Main Street communities of the Commonwealth and of other states in the National Main Street program; and

WHEREAS, she has been tireless in her efforts to provide assistance to existing businesses and to recruit new businesses, contributing many uncompensated hours and her considerable expertise, with the result that a number of new products and services are now available in the Centertown area;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Bedford hereby expresses its deep appreciation to **LINDA KOCHENDARFER** for her exceptional performance as Executive Director of Bedford Main Street, Inc. from October 1989 to October 1992, and for providing the City of Bedford with a most successful program which is recognized and respected throughout the community.

Councilman Brookshier moved that the resolution be adopted as read. The motion was seconded by Councilman Rice, voted upon and carried by the following roll call vote:

Councilman Otey	aye
Councilman Rice	aye
Councilman Tharp	aye
Vice Mayor Vest	absent
Councilman Brookshier	aye
Councilwoman Grahame	absent
Mayor Shelton	aye

Mayor Shelton then presented Mrs. Kochendarfer a Jefferson Cup and a copy of the resolution.

Mayor Shelton adjourned the meeting at 7:40 p.m.